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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,138	03/29/2001	Kiran Challapali	US 010121	5629

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
P.O. BOX 3001  
BRIARCLIFF MANOR, NY 10510

EXAMINER

WOZNIAK, JAMES S

ART UNIT PAPER NUMBER

2655

DATE MAILED: 08/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/821,138

**Applicant(s)**

CHALLAPALI, KIRAN

**Examiner**

James S. Wozniak

**Art Unit**

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 5/23/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Amendment*

1. In response to the office action from 4/27/2005, the applicant has submitted a request for continued examination, filed 5/23/2005, amending claims 1, 9, 13, 17, and 20, while arguing to traverse the art rejection based on the limitation regarding the use of emoticons as a basis for generating facial movements (*Amendment, Pages 6-7*). The applicant's arguments have been fully considered but are moot with respect to the new grounds of rejection in view of Rothkrantz et al ("*A Text Based Talking Face,*" 2000).

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sutton et al (U.S. Patent: 6,539,354) in view of Rothkrantz et al ("*A Text Based Talking Face,*" 2000).

With respect to **Claims 1 and 9**, Sutton discloses a visual system or program product stored on a recordable medium (computer with storage), which when executed provides a visual speech system comprising (*Fig. 1, Title*): A text-to-animation system for generating a

displayable animated face image that can reproduce facial movements corresponding to the received word strings and the received emoticon strings (*Col. 20, Lines 47-52; Figs. 2 and 10*).

Sutton does not explicitly disclose a data import system for receiving text data that includes emoticon strings, wherein facial animation is based on emoticon strings. Sutton's application includes an audio and text based input where users can also select the desired emotion parameter of the display character (*Col. 20, Lines 12-31*), but Sutton fails to explicitly define the claimed emoticon parameter for controlling the animation. However, Rothkrantz teaches an animated 3D face that utilizes input text to generate facial movements, wherein the text input includes emoticons (*Pages 330-331, Section 5; Page 328, Fig. 1*).

Sutton and Rothkrantz are analogous art because they are from a similar field of endeavor in text-based facial animation. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Sutton with the use of emoticons for animation generation as taught by Rothkrantz to provide a means for non-verbal text understanding to implement a more effective human computer interface character (*Rothkrantz, Page 327, Section 1*).

With respect to **Claim 2**, Sutton teaches a visual system/program further comprising a keyboard for typing in text data (*Col. 20, Lines 56-57*).

With respect to **Claim 3**, Sutton discloses a visual system/program further comprising a text-to-audio system that can generate an audio speech broadcast corresponding the received text strings (*Col. 20, Lines 47 - 52*).

With respect to **Claim 4**, Sutton et al. disclose an audio-visual interface for displaying the displayable animated face image along with the audio speech broadcast (*Col. 20, Lines 47 - 56*).

With respect to **Claims 5 and 10**, Rothkrantz teaches the generation of facial animations based on emoticons (*Pages 330-331, Section 5*) and a table associating emoticon strings with particular emotions (*Table 1*).

With respect to **Claims 6 and 11**, Sutton discloses the system or program wherein the text- to-animation system associates each word string with a spoken word and wherein the spoken word is reproduced on the animated face image with at least one mouth movement (talking) (*Col 20, Lines 12-31*).

With respect to **Claims 7 and 12**, Sutton describes a feature that displays a particular emotion while an animated face is talking (*Col. 20, Lines 12-31*) and an algorithm for morphing facial movements with the movement of the mouth (lip-syncing) (*Col. 20, Lines 32 - 41, Fig. 10*).

With respect to **Claim 8**, Sutton discloses facial animation system and program usage in an on-line chat environment (*Col. 20, Lines 12-67*), which would inherently require an input/output system for receiving and sending text.

With respect to **Claim 13**, Sutton discloses a visual system or program product stored on a recordable medium (computer with storage), which when executed provides a visual speech system comprising (*Fig. 1, Title*): A text-to-animation system for generating a displayable animated face image that can reproduce facial movements corresponding to the received word strings and the received emoticon strings (*Col. 20, Lines 47-52; Figs. 2 and 10*). Sutton further discloses facial animation system and program usage with an on-line chat application such as AOL instant messenger or Microsoft messenger (*Col. 20, Lines 12-67*), which would inherently require two or more client systems for sending and receiving text.

Sutton does not explicitly disclose a data import system for receiving text data that includes emoticon strings, wherein facial animation is based on emoticon strings. Sutton's application includes an audio and text based input where users can also select the desired emotion parameter of the display character (Col. 20, Lines 12-31), but Sutton fails to explicitly define the claimed emoticon parameter for controlling the animation. However, Rothkrantz teaches an animated 3D face that utilizes input text to generate facial movements, wherein the text input includes emoticons (*Pages 330-331, Section 5; Page 328, Fig. 1*).

Sutton and Rothkrantz are analogous art because they are from a similar field of endeavor in text-based facial animation. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Sutton with the use of emoticons for animation generation as taught by Rothkrantz to provide a means for non-verbal text understanding to implement a more effective human computer interface character (*Rothkrantz, Page 327, Section 1*).

**Claim 14** contains subject matter similar to Claims 5 and 10, and thus, is rejected for the same reasons.

**Claim 15** contains subject matter similar to Claims 6 and 11, and thus, is rejected for the same reasons.

**Claim 16** contains subject matter similar to Claims 7 and 12, and thus, is rejected for the same reasons.

With respect to **Claim 17**, Sutton teaches a method for entering text data, including a word string, using a keyboard, converting word strings to audio speech; converting the word strings to mouth movements on the displayable animated face image, such that the mouth

movements correspond with the audio speech; converting emotion parameters to facial movements on the displayable animated face image, such that the facial movements correspond with expressed emotions (*emotion parameter*); and displaying the animated face image along with a broadcast of the audio speech (*Col. 20, Lines 12 - 67, Fig. 10*).

Sutton does not explicitly disclose a data import system for receiving text data that includes emoticon strings, wherein facial emotion animation is based on emoticon strings. Sutton's application includes an audio and text based input where users can also select the desired emotion parameter of the display character (*Col. 20, Lines 12-31*), but Sutton fails to explicitly define the claimed emoticon parameter for controlling the animation. However, Rothkrantz teaches an animated 3D face that utilizes input text to generate facial movements, wherein the text input includes emoticons (*Pages 330-331, Section 5; Page 328, Fig. 1*).

Sutton and Rothkrantz are analogous art because they are from a similar field of endeavor in text-based facial animation. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Sutton with the use of emoticons for animation generation as taught by Rothkrantz to provide a means for non-verbal text understanding to implement a more effective human computer interface character (*Rothkrantz, Page 327, Section 1*).

**Claim 18** contains subject matter similar to Claims 7 and 12, and thus, is rejected for the same reasons.

With respect to **Claim 19**, Sutton further discloses a server for providing facial animations and audio speech (*Col. 15, Lines 34-45*).

With respect to **Claim 20**, Sutton discloses a visual system or program product stored on a recordable medium (computer with storage), which when executed provides a visual speech system comprising (*Fig. 1, Title*): A text-to-animation system for generating a displayable animated face image that can reproduce facial movements corresponding to the received word strings and the received emoticon strings (*Col. 20, Lines 47-52; Figs. 2 and 10*).

Sutton does not explicitly disclose a data import system for receiving text data that includes emoticon strings, wherein facial animation is based on emoticon strings. Sutton's application includes an audio and text based input where users can also select the desired emotion parameter of the display character (*Col. 20, Lines 12-31*), but Sutton fails to explicitly define the claimed emoticon parameter for controlling the animation. However, Rothkrantz teaches an animated 3D face that utilizes input text to generate facial movements, wherein the text input includes emoticons (*Pages 330-331, Section 5; Page 328, Figs. 1-3*). Rothkrantz also discloses a table associating emoticon strings with particular emotions (*Table 1*).

Sutton and Rothkrantz are analogous art because they are from a similar field of endeavor in text-based facial animation. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Sutton with the use of emoticons for animation generation as taught by Rothkrantz to provide a means for non-verbal text understanding to implement a more effective human computer interface character (*Rothkrantz, Page 327, Section 1*).



*Conclusion*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:


Rosenblatt et al (*U.S. Patent Pub: 2002/0007276*)- teaches an animated face that utilizes emoticons as emotional cues in generating an animation.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James S. Wozniak whose telephone number is (571) 272-7632 and email is James.Wozniak@uspto.gov. The examiner can normally be reached on Mondays-Fridays, 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached at (571) 272-7582. The fax/phone number for the Technology Center 2600 where this application is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the technology center receptionist whose telephone number is (703) 306-0377.

James S. Wozniak  
6/23/2005

  
SUSAN MCFADDEN  
PRIMARY EXAMINER